



Permits for Archeological Investigations

1. Overview

Introduction

This module about issuing permits for archeological investigations on National Park lands replaces the *Technical Manual for the Issuance of Archeological Permits* prepared by the former Archeological Assistance Division and issued by the NPS Director on 5 October 1984.

This new guidance provides information about the permitting authorizations that are necessary before undertaking archeological investigations in national parks. Information is organized according to the responsibilities of the parties involved: Applicants, NPS Archeologists, and NPS Managers (regional directors, park superintendents, and/or unit managers).

This Archeology Guide module has the following sections: this Overview, [Information for Applicants](#), [Information for NPS Archeologists](#), and [Information for NPS Managers](#)). Navigate through sections and subsections by using the right-hand navigation column, the sections links across the top of the page, or simply by scrolling through each section.

All types of archeological fieldwork on parklands require NPS authorization in the form of a Permit for Archeological Investigations. Such activities include excavation, shovel testing, coring, pedestrian survey (even if not involving artifact removal), underwater archeology, rock art documentation, or other types of reconnaissance.

The NPS does not issue a Permit for Archeological Investigations for activities carried out by NPS archeologists, or to archeologists working on NPS archeological projects under a contract or cooperative agreement. The requirements and standards for investigations by NPS archeologists, archeologists working on NPS archeological projects under a contract or cooperative agreement, and a Permit for Archeological Investigations permittee, however, are the same.

Activities associated with archeological fieldwork that have the potential to impact the park environment, such as dry-screening or water-screening, or establishing a field camp, may also require a [Special Use Permit](#) in addition to a Permit for Archeological Investigations.

NPS units sometimes contain non-federally owned lands. Non-federally owned lands may include privately-owned lands, state lands, tribal lands, or lands under the authority of other federal agencies. Archeological investigations that take place on non-federally owned lands that are managed by the NPS require written permission from private landowners, authorized tribal representatives, or state authorities as well as a Permit for Archeological Investigations.

Archeological activities that involve collection of non-archeological data, such as bio-mass studies to establish carrying capacity or sampling trees for dendrochronological studies, requires a Scientific Research and Collecting Permit. Paleontological studies and the collection of paleontological specimens also require a [Scientific Research and Collecting Permit](#).

Research on archeological collections from national parks does not require a Permit for Archeological Investigations, but does require NPS [Archeological Collections Research Authorization](#) from the manager of the park that is responsible for the collection and coordination with the repository for research-related visits. Researchers should contact the park manager to obtain authorization to conduct research on archeological collections from the park.

[Treasure trove](#) investigations on federally-owned parklands are authorized in the form of a contract with the General Services Administration. In general, however, the NPS does not allow treasure trove investigations on parklands.

Overview: Permit for Archeological Investigations

Archeological surveys and excavations on parklands are authorized under a Permit for Archeological Investigations (hereafter referred to as a "Permit"). A Permit may be issued under ARPA or the Antiquities Act or both. NPS authorizes paleontological research under a [Scientific Research and Collection Permit](#).

Permits for archeological projects carried out on federal lands have been issued since 1907 under the legal authority of the [Antiquities Act](#) and Antiquities Act regulations. At the time of passage in 1906, the Antiquities Act authorized the secretaries of the departments managing federally-owned or controlled public land -- primarily Interior, Agriculture, and War -- to grant Permits to carry out archeological activities on public lands. The Antiquities Act regulations stipulated that the Smithsonian Institution approve the project before a Permit was granted. Beginning in 1927, the [Departmental Consulting Archeologist \(DCA\)](#) coordinated with the Smithsonian Institution on behalf of the Department of Interior bureaus to obtain approval to issue Permits. In 1958, the DCA was given direct authority to issue Permits on behalf of the Secretary of the Department of the Interior. The authority to issue Permits was transferred to bureau chiefs within the Department of the Interior in 1984. Within NPS, permit authority has been delegated to the regional directors. The Chief Archeologist of the NPS provides guidance relating to appeals of decisions to deny, suspend, or revoke permits; and guidance relating to requests to search for treasure trove. For more information about the history of archeological permitting in the federal government, see [NADB-Permits](#).

At present, most of the Permits to conduct archeological activities are issued under the [Archaeological Resource Protection Act](#) (ARPA), which was passed in 1979. ARPA and the ARPA regulations contain more extensive guidance for issuing and enforcing Permits, and define "archeological resources" as "...any material remains of human life or activity which are at least 100 years of age and which are of archeological interest" (43 CFR 7.3(a)).

Permits for investigation of material remains that are older than 50 years and defined as archeological resources under NPS regulations ([36 CFR 1.4\(a\)](#)) but are younger than 100 years may be issued under the Antiquities Act.

NPS archeologists or archeologists carrying out archeological activities on parklands under contract or cooperative agreement with the NPS do not need to apply for a Permit for Archeological Investigations, per se, as federal land managing agencies are self-permitting. However, the NPS archeologists and non-NPS archeologists working on behalf of the NPS must meet the provisions of ARPA (see [43 CFR 7.5](#), [7.8](#) and [7.9](#)).

When individuals conduct archeological activities on NPS lands without a valid Permit, they are in violation of ARPA, the Antiquities Act, and other statutes concerning federal or federally-controlled property. They are subject to **criminal and/or civil penalties**, as well as forfeiture of personal property and looted artifacts.

Overview: Special Use Permit

Activities that are associated with archeological projects on parklands but that are not a component of the research project may require an NPS Special Use Permit. For example, Special Use Permits may be issued for establishment of a camp associated with the excavation or survey. A Special Use Permit may also be needed for project-related activities such as water-screening of archeological samples.

Special Use Permits are issued by the manager of the park where the activity will take place. Guidance on the need for Special Use Permits, and the conditions under which these permits are issued are found in the [NPS Management Policies \(2006\)](#) , [Section 8.6](#). Further information may be found in [Director's Order DO #53](#). "Special Park Uses" Application forms for [Special Use Permits](#) are also available online along with the NPS Management Policies and the Director's Orders.

Overview: Scientific Research and Collecting Permit

A Scientific Research and Collecting Permit is required for most scientific activities pertaining to natural resources in parks that involve fieldwork or specimen collection, or that have the potential to disturb resources or visitors. Archeological investigations that involve sampling or measuring natural resources may require both a Permit for Archeological Investigations and a Scientific Research and Collecting Permit. Paleontological research, including excavation and survey, requires a Scientific Research and Collecting Permit.

Scientific Research and Collection Permits are issued by the manager of the park where the research will take place. The NPS Research Permit and Reporting System website provides information about preparing an application for a [Scientific Research and Collecting Permit](#) .

Overview: Archeological Collections Research Authorization

Access to, and use of, archeological collections recovered from parklands do not require a formal permit. Such use, however, must be authorized by the park manager who, according to [36 CFR Part 79](#), Curation of Federally Owned and Administered Archeological Collections, works with the park curator or collections manager, NPS collections manager, or museum or facility holding the park's collections. Park personnel are encouraged to use the NPS Museum Handbook, Part III (1998) Chapter 1, Part K, Checklist: Evaluating a Request to Use Museum Objects ([scroll to page 1:54](#)) and the NPS Museum Handbook, Part II (2000) Appendix D, Figure D.16, Researcher Registration Form ([scroll to page D:99](#)) to authorize use of collections.

Overview: Treasure Trove Contract

Treasure trove usually refers to gold or silver coin, plate, bullion, or negotiable currency that is found buried underground or submerged under water, or concealed elsewhere (for example, in a house or other structure), and for which the owner of the object(s) is unknown.

Searching for or claiming discovered treasure trove on federally owned land requires authorization in the form of a contract with the General Services Administration (GSA). Treasure trove requests are processed as contracts with the GSA, not NPS. Individuals requesting permission to search for treasure on federal land must contact the **Director, Property Management Division, General Services Administration, 1901 South Bell Street, Arlington, VA 22202-4502** by mail.

Although the General Services Administration is authorized to issue contracts to treasure trove applicants, such contracts for searching on parklands also require NPS permission. GSA personnel contact the appropriate NPS offices for permission when a request to search for treasure trove on parklands has been received. As a general policy the NPS does not allow treasure trove activities on parklands, and does not release accidentally discovered treasure trove to the finder.



Permits for Archeological Investigations

2. Information for Applicants

Introduction

This section of the Permit guidance describes the application process for a Permit for Archeological Investigations ("Permit") and the applicant's responsibilities. The applicant is advised to read all of this section, as well as the overview, prior to preparation of a Permit application.

A Permit is required for any archeological investigations carried out on parklands by non-NPS personnel, unless carried out under a contract or a cooperative agreement specifically written for archeological investigations. Permits are issued under the Archaeological Resources Protection Act of 1979 (ARPA) or the Antiquities Act of 1906 or **both**.

A Permit is a legal document that defines the scope and methodology of the permitted archeological work and specifies the conditions for suspending the project. Thus, a Permit can be, and is, used in court to establish elements of cultural resource laws violations, should they occur.

When individuals conduct archeological activities or otherwise disturb archeological resources on NPS lands without a valid Permit, they are in violation of ARPA (16 U.S.C. 470ee, ff, gg), the Antiquities Act (16 USC 433), and other statutes concerning federal or federally-controlled property. They are subject to **criminal and/or civil penalties**, as well as forfeiture of personal property and looted artifacts. ARPA and its regulations detail the requirements for obtaining a Permit .

Individuals, academic institutions, and businesses that are proposing to conduct archeological field investigations on parklands must first apply for and obtain a Permit.

The NPS web site provides [contact information](#) for national parks and national park staff.

Applicants: Applying for a Permit

It is important that Permit applicants contact the park manager where they propose to carry out the archeological investigations with a preliminary proposal to determine whether the project is appropriate, and to determine which permits they need. If a project will impact an archeological resource listed or eligible to be listed in the National Register of Historic Places, then compliance with specific provisions of the National Historic Preservation Act (NHPA), [Section 106](#), and/or the [National Environmental Policy Act](#) (NEPA), (specifically, an Environmental Assessment) is also required.

Park managers may direct the applicant to discuss the proposed work with park staff, particularly the park archeologist or the cultural resource manager, or other NPS archeologists. NPS will not

grant a Permit for a larger area than the applicants can reasonably be expected to explore fully and systematically within the time period established in the Permit (16 U.S.C. 470cc). Projects do not exceed three years in duration; multi-year projects are reviewed annually (43 CFR 7.9(g)).

If the proposed area of study includes public lands managed by other federal agencies, or state, local, or tribal lands that are managed by the NPS, additional permits may be necessary. It is the responsibility of the applicant to obtain any authorizations necessary to carry out archeological investigations on these lands in writing, and to submit a copy of the authorization with the project proposal to the NPS.

Applicants should also discuss curation of archeological collections resulting from the proposed project with park personnel. If the park does not have facilities for appropriate storage of archeological materials, alternate curatorial facilities must be approved by the park manager. The applicant will work closely with the curatorial staff to ensure that any collections resulting from the archeological investigations are entered in the NPS cataloging system, ANCS+, in a timely manner. Special conditions pertaining to curation of objects and associated records may be attached to the issued Permit.

Applicants' Permit Responsibilities

Applicants must take permit requirements and conditions into account when planning the scope of work and budget of a proposed project.

Individuals and organizations who obtain a Permit to work on parklands must meet the following requirements:

- The applicant is qualified to carry out the permitted activity (43 CFR 7.8 (a)):
 - A graduate degree in anthropology or archeology, or equivalent training and experience;
 - The demonstrated ability to plan, equip, staff, organize, and supervise activity of the type and scope proposed;
 - The demonstrated ability to carry the project to completion, as evidenced by the timely completion of theses, research reports, or similar documents;
 - Completion of at least 16 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience and/or specialized training in the kind of activity the individual proposes to conduct under authority of a Permit;
 - Applicants proposing to engage in historical archeology should have had at least one year of research concerning archeological resources of the historic period. Applicants proposing to engage in prehistoric archeology should have had at least one year of experience in research concerning archeological resources of the prehistoric period.
- The activity is undertaken for the purpose of furthering archeological knowledge in the public interest.
- The activity is consistent with park management plans.

- All necessary information and support for completion of required compliance with Section 106 of NHPA, and preparation of an NEPA Environmental Assessment is supplied to the park manager.

The successful applicant must adhere to the Standard Conditions of the Permit and any special Conditions specified by the park where the project is to take place. The successful candidate must also agree to the following conditions:

- **Fieldwork**
 - Investigations shall not take place outside of the project area boundaries as defined in the Permit.
 - Investigators must obtain any additional permits needed to carry out investigations on state, tribal, or other federal agency lands that are managed by the NPS.
 - Investigators must use site forms of archival quality authorized by the NPS. Field records are kept on acid-free paper, with archival-appropriate writing implements. Digital photographic records contain appropriate meta-data, and an accurate field photograph log is maintained.
 - Investigators must contribute information about park archeological sites to the Archeological Sites Management Information System (ASMIS). This is the NPS standardized database for the inventory, registration, and management of park prehistoric and historic archeological sites.
 - Investigators must restore lands to the park manager's satisfaction upon completion of work ([43 CFR 3.11](#)).
 - Investigators must comply with Occupational Safety and Health Administration (OSHA) standards for excavation.
 - Investigators who discover human remains must notify the park manager immediately, cease activity in the area of the discovery, and secure the area. Investigators must comply with park managers' directives for further action pertaining to the discovery of the human remains, in compliance with "Guidance for NPS Compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), [NPS Cultural Resource Management Guideline, Appendix R](#).
 - If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are conducted as required by ARPA and Section 3 of NAGPRA (NPS Cultural Resource Management Guideline, Appendix R).
- **Collections management**
 - The archeological resources that are excavated or removed from public lands will remain the property of the NPS.
 - The applicant must fund accessioning and cataloging collections resulting from the permitted activities ([DO 24 - 4.3.16](#)), according to NPS standards.
 - If the park manager and the investigator agree that the investigator will catalog the archeological materials that result from the project, investigators must use NPS forms and databases for cataloging and accessioning material remains ([ANCS+](#)).

- Material remains and original associated archeological records will be preserved in a suitable curatorial facility ([scroll to page A:3](#) in Mandates and Standards for NPS Museum Collections), that is approved by the park manager.
- Custody of any Native American human remains or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA), ([25 USC 3001-3013](#)), removed from public lands or Indian lands, shall be determined in accordance with NAGPRA and NAGPRA regulations ([43 CFR 10](#)).
- **Reports and products**
 - The investigator will submit a preliminary report within 6 weeks of completion of the fieldwork to the regional director or an NPS employee designated by the regional director.
 - The investigator will submit three copies of the final report within 6 months of completion of the project to the NPS. One copy is retained by the regional director; one copy is retained at the park where the project took place; and one copy is retained by the curatorial facility holding the material remains and associated records.
 - Investigators work with the park or other NPS archeologist to determine the best means to provide applicable data for ASMIS.

Preparing a Permit Application

Applicants should submit a Permit Application (DI Form 1926 (Rev Sept 2004) OMB No. 1024-0037, approved through 1/31/2008) (Permit application form is available in either [Word](#) or [pdf](#) format) to the manager of the park in which they propose to work; or to the regional director, with a copy to the park manager.

The required elements for a Permit application are found under [43 CFR 7.6](#) (b,c). In general, an application requires the following information:

- **Statement of Work:** A description of the purpose, nature, and extent of the work proposed, including how and why it is proposed to be conducted (include research design, methods, curation, collection strategy, and reporting plan);
- **Statement of Applicant's Capabilities:** Evidence of the ability to carry out the proposed scope of work; including detailed information about logistical support and laboratory facilities, with information about location(s) and description of facilities and equipment; organizational structure and staffing; and equipment and staff to be involved in the proposed work;
- **Statement of Applicant's Past Performance:** Organizational history in completing the kind of work proposed, including similar past projects, government contracts, federal permits (previously held, currently in force with effective dates, and currently pending or planned, by agency and region/state), reports and/or publications resulting from similar work, and any other pertinent organizational experience;
- **Curriculum vitae for Principal Investigator(s) and Project Director(s):** A curriculum vitae or similar resume or summary of education, training, and experience in the kind of work proposed and in the role proposed;

- Other Authorization: Written consent by state or tribal authorities to undertake the activity on state or tribal lands that are managed by the NPS, if required by the state or tribe;
- **Curation Authorization:**
 - A statement from the park -- or other NPS curatorial facility -- curator attesting to the facility's willingness to accept any material remains and associated original records, consisting of records, data, photographs, and other documents generated under the Permit; or
 - If the park does not have facilities to curate a resulting archeological collection, written certification, signed by a properly authorized official of the proposed curatorial facility, attesting to the facility's capability and willingness to accept any material remains and associated records generated under the Permit, and capacity and willingness to assume permanent curatorial responsibility for such materials on behalf of the federal government pursuant to regulations for curation of federally-owned and administered archeological collections ([36 CFR 79](#));
 - If the project is to take place on tribal lands that are managed by NPS and the Indian tribe or the Indian owner(s) do not wish to take custody of material remains and associated records that are generated by the project carried out under the Permit, written consent from the Indian tribe or the Indian owner to curate materials, pursuant to [Bureau of Indian Affairs regulations pertaining to protection of archeological resources](#);
- **Detailed Schedule of All Project Activities**, including data entry, if requested by the park (ASMIS and ANCS+), and completion of final reports.
- **Additional information:** Regional directors and park managers may also require applicants to participate in consultations with tribal authorities.

Additional guidance on planning an archeological project on federal parklands can be found in the Secretary of the Interior's [Standards for Archeological Documentation](#).

Submitting a Permit Application

Applications for a Permit must be submitted at least 60 business days before field activities are proposed to begin. Send two copies of the complete proposal and all attachments to the office designated by the NPS regional director and a copy to the park manager. [Regional office addresses](#) are available on the NPS web site or from the **NPS Public Affairs Office, 1849 C Street, NW, Room 7012, Washington, DC 20240, telephone (202) 208-4747**.

Applicants: Review of Your Application

The decision to issue a Permit is made by the regional director for the national park in which the project is to be conducted. The Permit may be denied if the application does not meet Permit requirements. (See [43 CFR 7.8 Issuance of Permits](#)).

Before issuing a Permit, the regional director verifies that:

- The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable appropriate competence.
- The proposed work is to be undertaken for the purpose of furthering archeological knowledge in the public interest.
- The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of the park. This includes a plan for documentation of newly discovered sites and revisited sites, including protocols for ASMIS recordation.
- Written consent has been obtained for work proposed on state, tribal, or other federal agency lands managed by the NPS.
- Necessary compliance with cultural resource laws and regulations is addressed.
- Written confirmation has been obtained from the curatorial facility that will accept the resulting collections and associated records.
- Written confirmation has been obtained that the curatorial facility is in compliance, or working toward compliance, with provisions of regulations for federally-owned and administered archeological collections (36 CFR 79).
- The applicant has certified that, not later than 90 days after the date that the final report has been submitted to the NPS, all material remains and associated records resulting from work conducted under the requested Permit will be delivered to the curatorial facilities as named in the Permit application.

If the archeological project is anticipated to impact a site that is listed or eligible for listing in the National Register of Historic Sites or if the project involves archeological excavations, compliance with Section 106 of NHPA or NEPA is needed. The park manager will consult with the appropriate historic preservation officer about required compliance. If compliance procedures are required, the applicant will be requested to prepare background documentation.

If necessary, the regional director notifies the leadership of affected Indian tribes of possible harm to, or destruction of, sites having religious or cultural importance. Tribes have 30 days to respond to the notification (43 CFR 7.7). Depending on the response, further consultation may be required that may affect the timing and conditions of the issuance of the Permit.

The regional director has 60 days to review a Permit application. If the application does not meet qualifications and standards for issuing a Permit for Archeological Investigations, the regional director must deny the application for a Permit in writing. Depending on the nature of the denial, such as a conflict with other events in the park, or because of an incomplete application, the regional director may invite the applicant to submit a revised proposal. If the proposal conflicts with the park's management plan, the regional director will not encourage the applicant to re-submit an application. The regional director must send copies of all letters to the applicant to the park manager.

Permittees who have failed to meet the conditions of a previous Permit, such as failure to submit preliminary, annual, or final reports; failure to deliver archeological collections to repositories; or

failure to deliver electronic data will not be issued additional Permits until the conditions of the previous Permit are met.

Applicants: Receiving a Permit

If the application for a Permit is approved, the regional director or the regional director's designee sends a copy of the Permit to the applicant, and a copy of the Permit to the park Manager.

The Permit specifies the nature and condition of the work, based, in part, on the information submitted in the application. The investigator should check the Permit for accuracy. The Permit will include:

- The name(s) of the qualified individual(s) responsible for conducting the work and the name(s) of the qualified individuals responsible for carrying out the terms and conditions of the Permit;
- The scope of the project
 - Description of the purpose, nature, and extent of the work proposed, including how and why it is proposed to be conducted (include research design, methods, collecting strategy, curation plan);
 - The location of the project;
 - The nature and extent of work that is allowed under the Permit, including the beginning and ending dates of the fieldwork, dates of submission of ASMIS and ANCS+ data, and submission dates for preliminary and final reports;
- The name of the park repository or qualified non-federal repository where any collected materials, data, and associated records will be deposited;

The Permit will stipulate:

- Requirements for compliance with NHPA, NEPA, or other federal authorities, if needed.
- The number of reports or products of the project and the deadlines for submission of draft and final products (This includes ASMIS records, or field data to create ASMIS records, and ANCS+ records);
- Plans for Discovery of Human Remains: A written plan of action is required in the event that there is an inadvertent discovery of Native American human remains, intentional excavations of Native American human remains, or both ([NPS Cultural Resource Management Guideline, Appendix R](#)). The park manager will provide any existing park-specific plans for the inadvertent discovery or intentional excavation of human remains.
- Any terms and conditions requested by tribes and agreed to by the NPS;
- Any terms and conditions requested by states and agreed to by the NPS;
- Terms and conditions to protect public safety, or to limit work areas or activities to those consistent with legitimate land uses (such conditions may also be considered under other NPS permits);

- Requirements to restore lands to the satisfaction of the NPS park manager upon completion of the fieldwork;
- Additional terms and conditions listed in the Special Conditions Permit stipulations as required by the park manager and regional director:
 - The park manager ensures that concerns of park personnel are incorporated in the scope of work;
 - Regional directors and managers may require applicants to participate in consultations with tribal, state, or other authorities.

Applicants: Other NPS Permits that May be Needed

After a Permit to conduct archeological investigations is issued, the park manager may still require additional permits before fieldwork may begin. The applicant should check with the park manager for guidance on other permits that may be needed. Examples of additional permits that may be required include:

- Permits to enter restricted areas such as backcountry or designated wilderness.
- A Scientific Research and Collecting Permit, if the archeological work involves sampling of natural resources not directly associated with an archeological site. Some parks may require a Scientific Research and Collecting Permit when the proposed archeological investigation involves the collection of cultural resources, natural resources, or both.

Applicants: Conducting Archeological Investigations on National Parklands

Initiation of the fieldwork signifies the applicant's acceptance of Permit conditions (43 CFR 7.9 [a] 4 [d, e, f]). The Permit is a binding contract; the permittee will not be released from this contract until all obligations are satisfied, even if the time period of the Permit has expired.

Archeological fieldwork on national parklands must be conducted only in accordance with the terms and conditions set out in the Permit. The Permit should be kept secure. A copy must be kept on site and shown to NPS staff when requested.

If new sites are discovered, the permittee must gather appropriate data for inclusion in ASMIS in order to create a complete, accurate, and reliable site record. The permittee must provide information for the required fields in ASMIS that are obtainable in the field, e.g., Site Discovery date; Site type; Site Condition Assessment and Date; Depositional Integrity Assessment and Date; Site Disturbance Severity Level; Threat and Disturbance Types and related information; Site Area; locational information, preferably GPS for maximum accuracy; General Time Period; and Cultural History. The permittee must be familiar with each of the ASMIS fields and the definitions for all values as provided in the most recent ASMIS Data Dictionary. The permittee must use the site form provided by the park or other NPS archeologist to document the pertinent information. The permittee must enter the data into a copy of the ASMIS database structure, if so required in the Permit conditions.

If existing sites are visited, the permittee must gather appropriate data for updating the existing site record in ASMIS in order to maintain its completeness, accuracy, and reliability. In particular, a reassessment of the Site Condition, Depositional Integrity, Site Disturbance Severity Level, and Threat and Disturbance Types, and Site Area must be provided. Updated locational information, preferably by GPS for maximum accuracy, also must be provided.

If archeological materials are to be removed from the park at the completion of the field phase of the project, the permittee must obtain a loan agreement receipt for property from the park curator (or designee) acknowledging possession of federally-owned or administered property that must be returned to the park or to the curatorial facility after analysis and the report are complete.

Applicants: Discovery of Human Remains

Any time that If human remains are discovered, either during excavation or survey, the plan developed by the park to respond to these circumstances is followed. If no plan exists, the permittee ceases all work and immediately notifies the park manager of the discovery. Work stoppage is specific to the area where the human remains are encountered.

Native American Human Remains

If excavation of Native American human remains during the permitted project was anticipated, the Permittee will follow the procedures in the written Plan for Intentional Excavation of Native American Human Remains provided in the Permit. Project work may continue in accordance with the written programmatic plan previously formulated by the park unit in consultation with Native American tribes and made a part of the conditions of the Permit.

If the discovery of Native American human remains during the permitted project was not anticipated, the permittee will follow procedures in the Plan for Unanticipated Discovery of Native American Human Remains provided in the Permit.

In the absence of a programmatic plan, permitted activities may be resumed 30 days after tribes have been notified (25 U.S.C. 3002(d)). During the 30 day work stoppage, permittees should coordinate their activities with NPS in order to avoid harm to Native American human remains and other cultural items that are protected under NAGPRA (25 U.S.C.3001, Definitions).

If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are conducted as required by ARPA and Section 3 of NAGPRA (NPS Cultural Resource Management Guideline, Appendix R).

Non-Native American Human Remains

If the human remains are determined to be non-Native American, NAGPRA does not apply. In that case, the park manager will confer with law enforcement officials, the county or State coroner, and/or the medical examiner to determine the appropriate course of action. As the location of the

human remains is a potential crime scene, the permittee ceases all work immediately upon discovery, and does not begin work again until notified by the park manager.

Applicants: NPS Inspections

The regional director is responsible for ensuring that inspections occur during the field and laboratory phases of a permitted project to determine whether the project is in compliance with stipulations of the Permit. These inspections are conducted by NPS archeologists. During the inspection, the NPS archeologist and, if feasible, by the NPS curator, verifies that:

- A copy of the Permit is on site at all times;
- Responsible parties identified in the Permit are present and are performing the roles identified in the Permit;
- The investigators are maintaining accurate field documentation, including ASMIS data and locational data, preferably in GPS;
- The investigators are maintaining a photographic log containing information on each photograph taken, including full provenience information, date, and aspect;
- The investigators are maintaining a field specimen log;
- The investigators are drafting a series of maps containing detailed information on the location of archeological investigations, the location of individual archeological test units, significant profiles, and floor plans;
- The investigators are maintaining provenience integrity by placing associated objects into common containers, and separating objects of different provenience into separate containers, all of which are clearly marked.
- Compliance requirements established through consultation with the SHPO or ACHP are being addressed.
- The activities are in compliance with other NPS permits.

The appointed NPS archeologist or curator should also monitor project-related laboratory activities. Laboratory inspection includes verification that all of the NPS standards for collections management outlined in Curation of Federally-Owned and Administered Archaeological Collections ([36 CFR Part 79](#)) and the [NPS Museum Handbook](#), and other NPS region-specific guidelines are met to ensure proper management and security of the collection.

Applicants: Preparing Reports and Products

Results of archeological investigations on parklands must be accessible to a broad range of users, including federal, tribal, state, and local agencies, the professional community, and the general public. Results must be communicated in reports that summarize the objectives, methods, techniques, and results. Information relating to curation, such as any on-site conservation of items, ANCS+ catalog records, name of the curatorial repository, and collection accession numbers should also be included in the final report in order that additional detailed information can be obtained, if necessary. Information about specific site locations and other site information that would endanger

the integrity of the archeological resource, if generally available, should be reported in a manner that allows the park manager to withhold that information.

The regional director and park manager are responsible for approving all deliverables for conformance with the Permit terms and conditions. Typically, the technical review is carried out by NPS archeologists and other experts, who review reports for clarity, proof of fulfillment of the conditions of the Permit, completion of any regulatory requirements, and results, and who make recommendations to the regional director about accepting the report. Reports should be a clean, edited document, and must be consistent with the Secretary of the Interior's Standards for Archeological Documentation.

Any comments or requests for revision will be communicated to the permittee in writing and in a timely manner. Upon completion of the project and after all reports and/or products, such as field forms, ASMIS site records, or the field data to create ASMIS site records, have been submitted and accepted, the regional director sends a letter to the applicant and park manager stating that the conditions of the Permit have been met.

Preparation of a Preliminary Report

Within 6 weeks of completion of the field component of the project, the permittee must submit a preliminary report to the regional director. The report should describe the fieldwork, including accomplishments, methods used to accomplish the work, names of individuals that carried out the fieldwork, maps, any GPS data, completed ASMIS forms for any newly recorded archeological sites, and any professional recommendations.

When a fieldwork episode involved only minor work and/or minor findings, a final report may be submitted in place of the preliminary report.

Preparation of an Annual Report

In the event that the Permit extends for more than 1 year, the NPS requires an annual progress report by the permittee. The report must detail the extent of work accomplished to date, and how much work remains to be carried out. . The Permit will be reviewed on a yearly basis following the submission of the annual report to ensure that the project is meeting deadlines and goals (43 CFR 7.9(g)).

Preparation of the Final Report

Standard permit conditions require that within 6 months of completion of the field component of the project, the permittee must submit a final report for review by the regional director. The applicant is advised to submit a draft report ahead of time, and allow time for revisions based on reviews by NPS personnel. If analysis is expected to take longer than six months, the regional director may authorize an extension for submission of the final report.

The final report must be consistent with information in field notes, photographs, and other materials (see the [Secretary of the Interior's Standards for Archeological Documentation](#) and 36 CFR 79 for additional guidance) and include:

- Description of the study area;
- Relevant historical documentation/background research;
- Research design;
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes;
- Field observations, including the number of new sites that are discovered and identified sites that are revisited;
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs;
- Evaluation of the investigation in terms of the goals and objectives of the investigation;
- Recommendations for updating interpretive and management materials;
- Recommendations for on-going or proposed treatment activities, such as structural documentation, stabilization, etc.;
- Name and location of facility curating material remains and associated records; and
- Accession numbers.

If the actual methods differed from those proposed, the reasons for these differences should be included in the report.

The final report is a public document and cannot be copyrighted. Information compiled in the final report may be used by the NPS for cultural resource management purposes. Information collected during the research project, however, may be used by permittees in other publications that can be copyrighted. However, the permittee must not publish, without the prior permission of the regional director, any locational or other identifying archeological site information that could compromise the government's protection and management of archeological sites (Permit, Standard Permit Conditions 15.x).

Artifact and Document Storage

Artifacts and records from the archeological investigations on federally owned parklands are the property of the United States ([43 CFR 7.8](#)). Material remains and associated records must be delivered to the appropriate official of the institution responsible for curation no later than 90 days after the final report is submitted to the regional director ([43 CFR 7.8.7](#)).

Applicants: Amendment and Extension of Permits

Any significant change in the project after the issuance of the Permit, such as a change in the scope of the investigation, replacement of the Principal Investigator, or change in the curatorial facility, requires an amendment to the Permit. The permittee is responsible for notifying the regional

director in writing of changes and for requesting amendments to the Permit. The permittee risks suspension or revocation of the original Permit as well as permission to carry out the project, if the regional director is not notified of changes and a Permit amendment is not issued.

When the terms of the fieldwork component of the Permit have been met and the permittee requests an extension of time, the Permit may be extended for proper cause. The request for an extension must be submitted to the regional director in writing and must include a detailed explanation for the failure to complete the project in the time allotted by the Permit. The regional director reviews the request. If an extension is approved, the regional director will issue an amended Permit with revised dates for project completion.

Applicants: Enforcement, Suspension, and Revocation of Permits

Regional directors are responsible for enforcing Permits and have the authority to suspend or terminate a Permit (for enforcement of Permits issued under ARPA, see [43 CFR 7.10, Suspension and Revocation of Permits](#)). Regional directors rely on information provided to them by park managers and park staff, who have responsibility for monitoring cultural resource activities on parklands.

In the event of a suspension or revocation of a Permit, the regional director sends a notice to the permittee, stating the nature of and reason for suspension or revocation.

A Permit may be **suspended** by the regional director for the following reasons:

- The NPS finds that the permittee failed to meet any of the terms and conditions of the Permit or has violated any of its prohibitions ([43 CFR 7.10 \(a\) 1](#)).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued ([43 CFR 7.10 \(b\)](#)).

The project may continue when the terms of the Permit have been met or when the conflict has been resolved.

A Permit may be **revoked** by the regional director for the following reasons:

- The permittee is convicted of a civil or criminal infraction under Section 6 of ARPA or assessed a civil penalty under Section 7 of ARPA ([16 U.S.C.470ee](#)).
- The permittee fails to correct the situation for which a Permit was suspended ([43 CFR 7.10 \(a\) 2](#)).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued ([43 CFR 7.10 \(b\)](#)).

Applicants: Appeals, Reviews, and Disputes

Any affected person may request a review by the Department of the Interior Departmental Consulting Archeologist (DCA) of any professional issues involved in a bureau permitting decision, such as professional qualifications, research design, or other professional archeological matters. The DCA makes a final professional recommendation to the Director of the NPS to consider in making a final decision about the adjudication of the matter (43 CFR 7.36).

Any affected person, an applicant or permittee, may appeal a denial, modification, suspension, revocation, or the inclusion of specific terms and conditions of a Permit to the regional director. The disputant may appeal a regional director's appeal decision to the Director of the NPS. (Further guidance on appeals and disputes may be found at 43 CFR 7.11 & 7.36 (a)-(c).)

The regional director's decision shall stand during the appeals process. The NPS Director's decision is the final administrative decision on appeals.



Permits for Archeological Investigations

3. Information for NPS Archeologists

Introduction

This section describes the NPS archeologist's responsibilities for complying with cultural resource laws and regulations when conducting archeological activities on parklands. It also includes responsibilities in assisting regional directors and park managers in reviewing applications for a Permit for Archeological Investigations (hereafter referred to as a "Permit"), monitoring field projects, and reviewing final reports and products resulting from archeological investigations.

A Permit is a legal document that defines the scope and methodology of the permitted archeological work and specifies the conditions for suspending the project. Thus, a Permit can be, and is, used in court to establish elements of cultural resource laws violations, should they occur.

The NPS archeologist is essential to the permitting process. The archeologist normally is designated by the park manager or regional director as a liaison between the applicant and the regional director who issues the Permit. The NPS archeologist may provide assistance or background information to the applicant in preparing a Permit application, advises the park manager and/or the regional director about the feasibility and appropriateness of the project, monitors the activity, and reviews reports, ASMIS records, and other documentation that is generated by the permitted investigation. Because of this important role, the NPS archeologist should be familiar with all sections of this NPS Archeology Guide Permits module.

NPS archeologists provide expert advice to the regional director and the park manager on the issuance, inspection, and review of archeological projects conducted under a Permit. NPS archeologists assist in enforcing cultural resource protection laws and regulations, including the [Archeological Resource Protection Act \(ARPA\)](#) and ARPA regulations.

The NPS archeologist is also responsible for determining whether the proposed project will impact an archeological or historical resource that is listed or eligible to be listed on the National Register of Historic Sites. If the proposed project will impact an eligible or listed site, the project must comply with NHPA Section 106 provisions, and NEPA Environmental Assessment requirements.

NPS Archeologists: Responsibilities of NPS Archeologists and Contractors Conducting Archeological Investigations

Whether located at a national park unit, a regional center that specializes in cultural resources, or at the regional office, NPS archeologists conduct field work and oversee the work of others on parklands. Although a Permit is not required for NPS-authorized fieldwork, all work performed by NPS archeologists is held to the highest federal standards (see Director's Order #28A, Sections 6A

and 6B and Secretary of the Interior's Standards for Archeological Documentation). NPS archeologists and non-NPS archeologists working on behalf of the NPS must meet ARPA standards for undertaking archeological investigations (43 CFR 7.8 and 7.9).

- A graduate degree in anthropology or archeology, or equivalent training and experience;
- The demonstrated ability to plan, equip, staff, organize, and supervise activity of the type and scope proposed;
- The demonstrated ability to carry research to completion, as evidenced by the timely completion of theses, research reports, or similar documents;
- Completion of at least 16 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience and/or specialized training in the kind of activity the individual will be expected to carry out;
- Archeologists engaging in historical archeology projects should have had at least one year of research concerning archeological resources of the historic period. Archeologists engaging in prehistoric archeology projects should have had at least one year of experience in research concerning archeological resources of the prehistoric period.

NPS Archeologists: Assisting Applicants

It is important that permit applicants contact park managers when contemplating an archeological project to be carried out on parklands. The park manager may delegate responsibilities for assisting Permit applicants to a park or other NPS archeologist. It is important that all NPS requirements are discussed with the applicant before the permit application is submitted. In order to assist the applicant in planning an archeological project, the NPS archeologist should be familiar with:

- NPS policies that pertain to the management of archeological resources, such as Director's Order DO#28 on Cultural Resources and associated NPS Cultural Resource Management Guideline, Director's Order DO#28A on Archeology, and the Secretary of the Interior's Standards and Guidelines as they relate to archeological resources.
- **Park management plans.** The archeologist assesses the relevance of the proposed research project to anticipated park needs, and suggests ways that the proposed research may contribute to achievement of management goals, and to articulate with management plans.
- **Permit application and the Permit process.** The NPS archeologist provides assistance to the applicant in preparing the application for a Permit, and to the regional director in reviewing the Permit application. The archeologist is familiar with the application forms, the information requested, and the permitting process.
- **The NPS site recordation system.** A Permit has the potential to yield site management information that must be recorded in the Archeological Site Management Information System (ASMIS), either as new site records or updates to existing site records. It is important that requirements for collecting and documenting, site information in conformance with ASMIS are included in the Permit conditions. The NPS archeologist provides a permittee with a field form to record the pertinent ASMIS fields as site documentation. The NPS archeologist may also

require the permittee to enter the data into a copy of the the ASMIS database tables, depending on the capabilities of the permittee and the ability of the NPS archeologist to monitor and verify data entry. More information about [ASMIS is available on InsideNPS](#). The NPS archeologist is familiar with:

- ASMIS User Guide;
- ASMIS Data Dictionary, which should also be provided to the permittee;
- the required fields in ASMIS to create a complete, accurate, and reliable site record (See "Required ASMIS Fields by Screen, July 2005"). Note that some of the required fields, e.g., Site Documentation Level, Treatment Proposed, Management Action, National Register Status, must be entered by NPS staff that make management decisions about the site(s);
- the most accurate and effective methods for the permittee to determine site locations, such as GPS.
- The park unit plans for discovery of human remains. A written plan of action is required for the inadvertent discovery of Native American human remains, intentional excavations of Native American human remains, or both ([NPS Cultural Resource Management Guideline, Appendix R](#)). The park manager will also provide directives for inadvertent discovery and intentional excavation of non-Native American human remains. The NPS archeologist provides the permittee with a copy of the park plans for discovery of human remains or assists in the development of appropriate plans.

If the archeological project is anticipated to impact a site that is listed or eligible for listing on the National Register of Historic Sites or if the project involves archeological excavations, compliance with Section 106 of NHPA or NEPA is required. The regional director or the regional director's appointed delegate will consult with the SHPO about compliance needed. If compliance is required, the applicant will be requested to prepare background documentation.

NPS Archeologists: Reviewing Permit Applications

NPS archeologists provide the major technical and policy review of archeological Permit applications. They advise regional directors and park managers on the merits of the proposed work and provide recommendations, with justifications, for approval or denial of applications. The Permit may be denied if the application does not meet Permit requirements. (See [43 CFR 7.8 Issuance of Permits](#)).

The NPS archeologist verifies that:

- The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable appropriate competence.
- The proposed work is to be undertaken for the purpose of furthering archeological knowledge in the public interest.
- The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of the park.

- Written consent has been obtained for work proposed on state, tribal, or other federal lands managed by the NPS.
- Necessary compliance with cultural resource laws and regulations is addressed.
- A plan for documentation of newly discovered sites and revisited sites, including new or updated ASMIS records, is provided.
- Written confirmation has been obtained from the curatorial facility that will accept the resulting collections and associated records.
- Written confirmation has been obtained that the curatorial facility is in compliance, or working toward compliance, with provisions of regulations for federally-owned and administered archeological collections (36 CFR 79).
- The applicant has confirmed that, not later than 90 days after the date that the final report has been submitted to the NPS, all material remains and associated records resulting from work conducted under the requested Permit will be delivered to the curatorial facilities as named in the Permit application (Permit Form, Standard Permit Conditions, 15v, w).

NPS Cultural Resources Management Guideline (1997) and Director's Order #28A, Archeology recommends that invasive fieldwork, such as excavation, be limited. However, proposals may point out specific reasons and justifications why the recovery of park archeological resources are necessary and significant to current research and management needs.

The NPS archeologists involved in Permit application review ensures that terms and conditions for an approved Permit anticipate all possible outcomes of the project including, for example, attention to final site condition, review of deliverables other than reports, and ASMIS and ANCS+ data entry.

NPS Archeologists: NPS Inspections

The regional director is responsible for ensuring that inspections occur during the field and laboratory phases of a permitted project to determine whether the project is in compliance with stipulations of the Permit. These inspections are conducted by NPS archeologists and, when feasible, an NPS curator. During the inspection, the NPS archeologist verifies that:

- A copy of the Permit is on site at all times;
- Responsible parties identified in the Permit are present and are performing the roles identified in the Permit;
- The investigators are maintaining accurate field documentation, including ASMIS data and locational data, preferably in GPS;
- The investigators are maintaining a photographic log containing information on each photograph taken, including full provenience information, date, and aspect;
- The investigators are maintaining a field specimen log;
- The investigators are drafting a series of maps containing detailed information on the location of archeological investigations, the location of individual archeological test units, significant profiles, and floor plans;

- The investigators are maintaining provenience integrity by placing associated objects into common containers, and separating objects of different provenience into separate containers, all of which are clearly marked.
- Compliance requirements established through consultation with the SHPO(s) or ACHP are being addressed.
- The activities are in compliance with other NPS permits.

The appointed NPS archeologist or curator should also monitor project-related laboratory activities. Laboratory inspection includes verification that all of the NPS standards for collections management outlined in Curation of Federally-Owned and Administered Archaeological Collections ([36 CFR Part 79](#)) and the [NPS Museum Handbook](#), and other NPS region-specific guidelines are met to ensure proper management and security of the collection.

Should violations of the terms of the Permit be observed, the archeologist communicates this information in writing and in a timely manner to the park manager who, in turn, provide the regional director with the information necessary to suspend the Permit and all associated activities.

NPS Archeologists: Discovery of Human Remains

If human remains are discovered, either during excavation or survey, the plan developed by the park to respond to these circumstances is followed. If no plan exists, the permittee ceases all work and immediately notifies the park manager of the discovery. Work stoppage is specific to the area where the human remains are encountered.

Native American Human Remains

If excavation of Native American human remains during the permitted project was anticipated, the Permittee will follow the procedures in the written Plan for Intentional Excavation of Native American Human Remains provided in the Permit. Project work may continue in accordance with the written programmatic plan previously formulated by the park unit in consultation with Native American tribes and made a part of the conditions of the Permit.

If the discovery of Native American human remains during the permitted project was not anticipated, the permittee will follow procedures in the Plan for Unanticipated Discovery of Native American Human Remains provided in the Permit.

In the absence of a programmatic plan, permitted activities may be resumed 30 days after tribes have been notified ([25 U.S.C. 3002\(d\)](#)). During the 30 day work stoppage, permittees should coordinate their activities with NPS in order to avoid harm to Native American human remains and other cultural items that are protected under [NAGPRA](#) (25 U.S.C.3001, Definitions).

If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are

conducted as required by ARPA and Section 3 of NAGPRA (NPS Cultural Resource Management Guideline, Appendix R).

Non-Native American Human Remains

If the human remains are determined to be non-Native American, NAGPRA does not apply. In that case, the park manager will confer with law enforcement officials, the county or State coroner, and/or the medical examiner to determine the appropriate course of action. As the location of the human remains is a potential crime scene, the permittee ceases all work immediately upon discovery, and does not begin work again until notified by the park manager.

NPS Archeologists: Reviewing Research Reports and Products

The NPS archeologist reviews all products of the investigations, such as reports, field forms, ASMIS site records, or the field data to create ASMIS site records, for conformance with the Permit terms and conditions. The NPS archeologist reviews all ASMIS site records or the information provided for entry into ASMIS to determine that it is complete, accurate, and reliable.

The NPS archeologist provides the park manager and regional director with comments and recommendations regarding the products. Upon completion of the project and after all reports and/or products have been submitted and accepted, the regional director sends a letter to the applicant and park manager stating that the conditions of the Permit have been met.

Results of archeological investigations on parklands must be accessible to a broad range of users, including federal, tribal, state, and local agencies, the professional community, and the general public. Results must be communicated in reports that summarize the objectives, methods, techniques, and research results. Information relating to curation, such as any on-site conservation of items, ANCS+ catalog records, name of the curatorial repository, and collection accession numbers should also be included in the final report in order that additional detailed information can be obtained, if necessary. Information about specific site locations and other site information that would endanger the integrity of the archeological resource, if generally available, should be reported in a manner that allows the park manager to withhold that information.

Preliminary Reports

Within 6 weeks of completion of the field component of the research project, the permittee must submit a preliminary report to the regional director. The report should describe the fieldwork, including accomplishments, methods used to accomplish the work, names of individuals that carried out the fieldwork, maps, any GPS data, completed ASMIS forms for any newly recorded archeological sites, and any professional recommendations.

When a fieldwork episode involved only minor work and/or minor findings, a final report may be submitted in place of the preliminary report.

Annual Reports

In the event that the Permit extends for more than 1 year, the NPS requires an annual progress report by the permittee. The report must detail the extent of work accomplished to date, and how much work remains to be carried out. The Permit will be reviewed on a yearly basis following the submission of the annual report to ensure that the project is meeting deadlines and goals ([43 CFR 7.9\(g\)](#)).

Final Reports

Standard permit conditions require that within 6 months of completion of the field component of the research project, the permittee must submit a final report for review by the regional director. The applicant is advised to submit a draft report ahead of time, and allow time for revisions based on reviews by NPS personnel. If analysis is expected to take longer than six months, the regional director may authorize an extension for submission of the final report.

The final report must be consistent with information in field notes, photographs, and other materials (see the [Secretary of the Interior's Standards for Archeological Documentation](#) and 36 CFR 79 for additional guidance) and include:

- Description of the study area;
- Relevant historical documentation/background research;
- Research design;
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes;
- Field observations, including the number of new sites that are discovered and identified sites that are revisited;
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs;
- Evaluation of the investigation in terms of the goals and objectives of the investigation;
- Recommendations for updating interpretive and management materials;
- Recommendations for on-going or proposed treatment activities, such as structural documentation, stabilization, etc.;
- Name and location of facility curating material remains and associated records; and
- Accession numbers.

If the actual research methods differed from those proposed, the reasons for these differences should be included in the report.

The final report is a public document and cannot be copyrighted. Information collected in the final report may be used by the NPS for cultural resource management purposes. Information collected during the research project, however, may be used by permittees in other publications that can be copyrighted. However, the permittee must not publish, without the prior permission of the regional director, any locational or other identifying archeological site information that could compromise the

government's protection and management of archeological sites (Permit, Standard Permit Conditions 15.x).

Artifact and Document Storage

Artifacts and records from the archeological investigations on federally owned parklands are the property of the United States (43 CFR 7.8). Material remains and associated records must be delivered to the appropriate official of the institution responsible for curation no later than 90 days after the final report is submitted to the regional director (43 CFR 7.8.7).

NPS Archeologists: Archeological Resource Protection on Parklands

Disturbance of archeological sites without a Permit is illegal and will be prosecuted. NPS archeologists assist in enforcing cultural resource protection laws and regulations, in particular the Archeological Resource Protection Act (ARPA) and ARPA regulations, through monitoring permittees' research activities and monitoring archeological resources within parks. NPS archeologists must immediately report any cultural resource law violations to the park manager. Other laws that protect park archeological resources include the National Park System Resource Protection Act.

Looted or disturbed sites are crime scenes, and must be investigated by law enforcement personnel. Prior to the arrival of a law enforcement officer, the NPS archeologist assists by recording information about the looting, photographing damage, and obtaining accurate locational information. Once the scene has been secured by a law enforcement officer, the NPS archeologist assists in documentation of damage. Volumetric measures, profiles, and plan views of looters pits become part of the damage assessment report. Backfill is screened for further evidence. Archeologists who assist in this work should meet the Secretary of the Interior's Standards for Archeologists, and have completed ARPA law enforcement training for archeologists, particularly training in conducting archeological damage assessments.

The NPS archeologist may also prepare the damage assessment report. The damage report includes justification for assigned commercial value (if objects or collections are recovered), site restoration and repair costs, and archeological values. Current sources for determining commercial value include North American Indian Artifacts: A Collector's Identification and Value Guide, by Lar Hotham, and Overstreet Indian Arrowheads: Identification and Price Guide, by Robert M. Overstreet. Evaluation of the commercial value of Euroamerican objects may be gained through use of e-Bay. Professional Standards for determining archeological value are available.

The damage assessment report provides the prosecutor with the information to argue the case, and is critical to a successful prosecution. Archeologists work closely with NPS law enforcement personnel to determine the cost of penalties associated with criminal offenses and civil penalties under ARPA. The penalties section of ARPA is at 16 U.S.C. 470ee(d), and 470ff.

Archeologists play a pivotal role in the documentation of looted and disturbed sites and in the successful prosecution of archeological resource laws violations. Archeologists also work pro-actively with regional and local law enforcement personnel to protect archeological resources. Archeologists

and law enforcement personnel share information about the location of important sites to promote site monitoring. Archeologists educate park law enforcement officers about the importance of protecting and preserving archeological resources and encourage park law enforcement officers to attend training in cultural resource laws and law enforcement.

Archeologists also work closely with park interpretive staff to provide visitors with information about cultural resource laws and the actions that constitute violations of cultural resource laws. Archeologists work with interpretive staff to educate visitors about the importance of protecting our national heritage. Resources for development of interpretive materials for protection of archeological resources are available on the [Archeology Program website](#).



Permits for Archeological Investigations

4. Information for Managers

Introduction

This section describes the responsibilities of the NPS regional directors and park managers in issuing and monitoring Permits for Archeological Investigations (hereafter referred to as a "Permit") on national parklands.

A Permit is required for any archeological investigations carried out on parklands by non-NPS personnel, unless carried out under a contract or a cooperative agreement specifically written for archeological investigations. Permits are issued under the Archaeological Resources Protection Act of 1979 (ARPA) or the Antiquities Act of 1906 or both. Research projects on archeological resources that are 50-100 years old are issued Permits under the Antiquities Act. Research projects on archeological resources that are greater than 100 years old are issued Permits under ARPA.

The Permit is a legal document that spells out the nature and location of the archeological research that is permitted, the manner in which the research is to be conducted, and under what conditions the project can be suspended. Thus, the Permit can be, and is, used in court to establish elements of cultural resource laws violations, should they occur.

Regional directors issue these permits based on the recommendations of park managers and NPS archeologists. The park manager is responsible for activities occurring within park boundaries and works closely with archeologists in the park or regional center to review proposed projects and permit applications.

NPS Managers: When is a Permit Necessary?

When a Permit is needed

A Permit is required for any archeological investigation by non-NPS personnel occurring on parklands, regardless of whether or not these investigations are linked to regulatory compliance (for example, Section 106 of the National Historic Preservation Act of 1966 (NHPA) ([16 USC 470 et seq.](#)) or the National Environmental Policy Act of 1969 (NEPA) ([42 USC 4321-4327](#)). Archeological investigations that require permits include excavation, shovel-testing, coring, pedestrian survey (with and without removal of artifacts), underwater archeology, photogrammetry, and rock art documentation. Individuals, academic and scientific institutions, museums, and businesses that propose to conduct archeological field investigations on parklands must first obtain a Permit before the project may begin.

The park manager is responsible for ensuring that proposed activities comply with federal laws and regulations that protect archeological resources before issuing other types of permits, leases, licenses, or entitlements. When a park manager authorizes a third party activity without considering the effects of that activity on archeological resources, the manager may be in violation of ARPA, NHPA, or other laws.

A regional director also may issue a Permit to the governor of any state, or to a designee that the governor deems qualified to carry out the intent of ARPA, for purposes of conducting archeological research, excavating and/or removing archeological resources, and safeguarding and preserving any materials and data collected by a university, museum, or other scientific or educational institution approved by the federal land manager (43 CFR 7.5 (b)(5)).

When a Permit is not needed

A Permit is not required in every situation that potentially involves archeological resources (see 43 CFR 7.5 (b)). In general:

- Permits are not required for any person conducting NPS-authorized activities on parklands when those activities are for purposes other than the excavation and/or removal of archeological resources, even though those activities might accidentally result in the disturbance of archeological resources. This does not, however, affect the park manager's responsibility to comply with other authorities (such as NHPA, NEPA, ARPA, and the NPS Organic Act) that protect archeological resources, prior to issuing the authorization to conduct those activities (43 CFR 7.5 (b)(1)).
- A Permit is not required for the collection, for private purposes, of any rock, coin, bullet, or mineral from park lands that is not defined as an archeological resource, provided that such collection does not result in the disturbance of an archeological site (43 CFR 7.5(b)(2)). Collectors who wish to collect gold or silver coins or bullion from parklands, however, need to obtain a contract for collection from General Services Administration (GSA) (See Treasure Trove).
- A Permit is not required for NPS archeologists or non-NPS archeologists carrying out archeological activities on parklands under contract or through a cooperative agreement with the NPS (43 CFR 7.5 (b)(4)).
- However, the land manager must ensure that:
 - Natural and cultural resource laws compliance requirements are met.
 - NPS archeologists and non-NPS archeologists working on behalf of the NPS meet the provisions of ARPA Regulations Sections 7.8 and 7.9 (43 CFR 7.8 and 7.9); regarding professional standards and training, and that investigations, reporting, and curation of collected archeological materials also comply with ARPA requirements (see Permit Conditions 15.i).
 - The appropriate tribal authorities have been notified of potential harm or destruction to sites of religious or cultural importance to Indian tribes (43 CFR 7.7); (43 CFR 10.3).

- Reports that are submitted by NPS archeologists are reviewed for compliance with the provisions of the park's management plan by the park manager or peer reviewed, whichever is more suitable or practical.
- All pertinent archeological site information is collected and entered into the Archeological Sites Management Information System (ASMIS) in a timely manner and is complete, accurate, and reliable.
- All material remains and associated records are cataloged with NPS ANCS+ in a timely manner.

NPS Managers: Reviewing Permit Applications

The Permit application is submitted in writing to the office of the regional director. If submitted to park personnel, the application is forwarded to the regional director. The regional director acknowledges receipt of an application in writing. When the Permit application describes a project to be carried out on NPS land and other federal land with which the NPS shares a boundary, the NPS regional director coordinates the issuance of a Permit with the other land managing agency (7.8 (b)).

The NPS regional director also ensures that Native American tribal authorities are notified at least 30 days prior to issuing the a Permit for investigation of any significant cultural or religious sites, and that any requested consultations have taken place (43 CFR 7.7 (a)).

The regional director may delegate technical review of the permit application to the park or other NPS archeologist. For issues relating to curation and handling of material remains and associated records, NPS curators may also be included. The regional director consults with the park or other NPS archeologist and the park manager about project feasibility. A Permit may be denied if the application does not meet Permit requirements (See 43 CFR 7.8 Issuance of Permits).

The decision to issue a Permit is made by the regional director. Before issuing a Permit, the regional director verifies that:

- The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable appropriate competence.
- The proposed work is to be undertaken for the purpose of furthering archeological knowledge in the public interest.
- The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of the park.
- Written consent has been obtained for work proposed on state, tribal, or other federal agency lands managed by the NPS.
- Necessary compliance with cultural resource laws and regulations is addressed.
- A plan for documentation of newly discovered sites and revisited sites, including new or updated ASMIS records, is provided.

- Written confirmation has been obtained from the curatorial facility that will accept the resulting collections and associated records.
- Written confirmation has been obtained that the curatorial facility is in compliance, or working toward compliance, with provisions of regulations for federally-owned and administered archeological collections (36 CFR 79).
- The applicant has confirmed that, not later than 90 days after the date that the final report has been submitted to the NPS, all material remains and associated records resulting from work conducted under the requested Permit will be delivered to the curatorial facilities as named in the Permit application (Permit Form, Standard Permit Conditions, 15 v, w).

If the archeological project is anticipated to impact a site that is listed or eligible for listing on the National Register of Historic Places or if the project involves archeological excavations, compliance with Section 106 of NHPA or NEPA is required. The regional director or the regional director's appointed delegate will consult with the appropriate historic preservation officer(s) about compliance requirements. If compliance procedures are required, the applicant will be requested to prepare background documentation.

If necessary, the regional director verifies that the leadership of affected Indian tribes have been notified of possible effect on sites having religious or cultural importance. Tribes have 30 days to respond to the notification (43 CFR 7.7). Depending on the response, further consultation may be required that may affect the timing and conditions of the issuance of the Permit. Regional directors may require applicants to participate in consultations.

Regional directors have 60 days to review a Permit application. If there are special circumstances, or in the event of disasters, a Permit can be issued immediately to help protect and preserve archeological resources.

If the application does not meet qualifications and standards for issuing a Permit for Archeological Investigations, the regional director must deny the application for a Permit in writing. Depending on the nature of the denial, such as a conflict with other events in the park, or because of an incomplete application, the regional director may invite the applicant to submit a revised proposal. If the research proposal conflicts with the park's management plan, the regional director will not encourage the applicant to re-submit an application. The regional director must send copies to the park manager of all letters to the applicant.

NPS Managers: Issuing a Permit

The regional director prepares the Permit and consults the park or other NPS archeologist and the park manager regarding appropriate terms and conditions for conducting fieldwork, including dates; and responsibilities and schedule for monitoring fieldwork and laboratory activities. Standard conditions and any special conditions are listed on the Permit. The regional director ensures that the terms and conditions relating to the interests and concerns of affiliated Indian tribes about archeological resources affected by the work were considered in developing the final scope of work (43 CFR 7.7; 43 CFR 10.3).

The [Permit form](#) is available on InsideNPS.

To prepare a Permit, the following information is required from the applicant:

- The name(s) of the qualified individual(s) responsible for conducting the work and the name(s) of the qualified individuals responsible for carrying out the terms and conditions of the Permit;
- The scope of the project
 - Description of the purpose, nature, and extent of the work proposed, including how and why it is proposed to be conducted (include research design, methods, collecting strategy, curation plan, and reporting plan);
 - The location of the project;
 - The nature and extent of work that is allowed under the Permit, including the beginning and ending dates of the fieldwork, dates of submission of ASMIS and ANCS+ data, and submission dates for preliminary and final reports;
- The name of the park repository or qualified non-federal repository where any collected materials, data, and associated records will be deposited;
- Any procedures that are to be followed in the event that Native American human remains are discovered.

The Permit will stipulate:

- Requirements for compliance with NHPA, NEPA, or other federal authorities, if needed.
- The number of reports or products of the project and the deadlines for submission of draft and final products (This includes ASMIS records, or field data to create ASMIS records, and ANCS+ records);
- Any terms and conditions requested by tribes and agreed to by the NPS;
- Any terms and conditions requested by states and agreed to by the NPS;
- Terms and conditions to protect public safety, or to limit work areas or activities to those consistent with legitimate land uses (such conditions may also be considered under other NPS permits);
- Requirements to restore lands to the satisfaction of the NPS park manager upon completion of the fieldwork;
- Additional terms and conditions listed in the Special Conditions Permit stipulations as required by the park manager and regional director:
 - The park manager ensures that concerns of park personnel are incorporated in the scope of work;
 - Regional directors and managers may require applicants to participate in consultations with tribal, state, or other authorities.
- Plans for Discovery of Human Remains: A written plan of action is required in the event that there is an inadvertent discovery of Native American human remains, intentional excavations of Native American human remains, or both ([NPS Cultural Resource Management Guideline](#)).

Appendix R). The park manager will provide any existing park-specific plans for the inadvertent discovery or intentional excavation of human remains.

The regional director or a person designated by the regional director sends the original Permit to the applicant, a copy to the park manager where the research project will take place, and retains a copy for the regional director's files.

NPS Managers: NPS Inspections

The regional director is responsible for ensuring that inspections occur during the field and laboratory phases of a permitted project to determine whether the project is in compliance with stipulations of the Permit. These inspections are conducted by NPS archeologists and, when appropriate and feasible, an NPS curator. During the inspection, the NPS archeologist verifies that:

- A copy of the Permit is on site at all times;
- Responsible parties identified in the Permit are present and are performing the roles identified in the Permit;
- The investigators are maintaining accurate field documentation, including ASMIS data and locational data, preferably in GPS;
- The investigators are maintaining a photographic log containing information on each photograph taken, including full provenience information, date, and aspect;
- The investigators are maintaining a field specimen log;
- The investigators are drafting a series of maps containing detailed information on the location of archeological investigations, the location of individual archeological test units, significant profiles, and floor plans;
- The investigators are maintaining provenience integrity by placing associated objects into common containers, and separating objects of different provenience into separate containers, all of which are clearly marked.
- Compliance requirements established through consultation with the SHPO or ACHP are being addressed.
- The activities are in compliance with other NPS permits.

The appointed NPS archeologist, and when appropriate or feasible, an NPS curator should also monitor project-related laboratory activities. Laboratory inspection includes verification that all of the NPS standards for collections management outlined in Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79) and the NPS Museum Handbook, and other NPS region-specific guidelines are met to ensure proper management and security of the collection.

If park personnel observe activities at variance with the terms and conditions of the Permit, the individual reports their findings immediately to the park manager. The park manager provides the regional director with the information necessary to suspend the Permit and all associated activities

in writing in a timely manner. The regional director has authority for suspension or revocation of Permits (see [Enforcement, Suspension, and Revocation of Permits](#)).

NPS Managers: Discovery of Human Remains

If human remains are discovered, either during excavation or survey, the plan developed by the park to respond to these circumstances is followed. If no plan exists, the permittee ceases all work and immediately notifies the park manager of the discovery. Work stoppage is specific to the area where the human remains are encountered.

Native American Human Remains

Whenever possible, parks should enter into general agreements with culturally affiliated Indian tribes or Native Hawaiian organizations that have claimed, or are likely to claim, Native American human remains and other cultural items that are intentionally excavated or inadvertently discovered within the park unit. Such agreements are useful in streamlining and managing the consultation process so that communication is efficient and timely in the event of a discovery of Native American human remains in the park unit ([NPS Cultural Resource Management Guideline, Appendix R](#)). These comprehensive agreements are the basis for the Plan for Intentional Excavation of Native American Human Remains, and the Plan for Inadvertent Discovery of Native American Human Remains that, if relevant, are a standard condition of the issued permit.

If excavation of Native American human remains during the permitted project was anticipated, the Permittee will follow the procedures outlined in the written Plan for Intentional Excavation of Human Remains provided in the Permit. Project work may continue in accordance with the written programmatic plan previously formulated by the park unit in consultation with Native American tribes and made a part of the conditions of the Permit.

If the discovery of Native American human remains during the permitted project was not anticipated, the permittee will follow procedures outlined in the Plan for Unanticipated Discovery of Native American Human Remains provided in the Permit.

In the absence of a programmatic plan, permitted activities may be resumed 30 days after tribes have been notified ([25 U.S.C. 3002\(d\)](#)). During the 30 day work stoppage, permittees should coordinate their activities with NPS in order to avoid harm to Native American human remains and other cultural items that are protected under [NAGPRA \(25 U.S.C.3001, Definitions\)](#).

If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are conducted as required by ARPA and Section 3 of NAGPRA ([NPS Cultural Resource Management Guideline, Appendix R](#)).

Non-Native American Human Remains

If the human remains are determined to be non-Native American, NAGPRA does not apply. In that case, the park manager will confer with law enforcement officials, the county or State coroner, and/or the medical examiner to determine the appropriate course of action. As the location of the human remains is a potential crime scene, the permittee ceases all work immediately upon discovery, and does not begin work again until notified by the park manager.

NPS Managers: Reports and Products

The regional director is responsible for ensuring that all deliverables conform with the Permit terms and conditions. Fulfilling this responsibility will be based on reviews and recommendations from the park or other NPS archeologist who has monitored the Permitted project. Upon completion of the project and after all reports and/or products, such as field forms, ASMIS site records, or the field data to create ASMIS site records, have been submitted and accepted, the regional director sends a letter to the applicant and park manager stating that the conditions of the Permit have been met.

Results of archeological investigations on parklands must be accessible to a broad range of users, including federal, tribal, state, and local agencies, the professional community, and the general public. Results must be communicated in reports that summarize the objectives, methods, techniques, and research results. Information relating to curation, such as any on-site conservation of items, ANCS+ catalog records, name of the curatorial repository, and collection accession numbers should also be included in the final report in order that additional detailed information can be obtained, if necessary. Information about specific site locations and other site information that would endanger the integrity of the archeological resource, if generally available, should be reported in a manner that allows the park manager to withhold that information.

Results that include the discovery of new archeological sites and revisiting existing archeological sites must be entered into ASMIS as complete, accurate, and reliable site records. Data entry must be done in a timely fashion for national level reporting under the Government Performance and Results Act. Results are also reported for the NPS Annual Report, which is subject to the auditing process for archeological sites as heritage assets as part of the NPS annual Financial Statements. The park manager is responsible for the timely entry of newly discovered sites and withdrawals of destroyed sites each year. Material remains must be cataloged using ANCS+.

Preliminary Reports

Within 6 weeks of completion of the field component of the research project, the permittee must submit a preliminary report to the regional director. The report should describe the fieldwork, including accomplishments, methods used to accomplish the work, names of individuals that carried out the fieldwork, maps, any GPS data, completed ASMIS forms for any newly recorded archeological sites, and any professional recommendations.

When a fieldwork episode involved only minor work and/or minor findings, a final report may be submitted in place of the preliminary report.

Annual Reports

In the event that the Permit extends for more than 1 year, the NPS requires an annual progress report by the permittee. The report must detail the extent of work accomplished to date, and how much work remains to be carried out. The Permit will be reviewed on a yearly basis following the submission of the annual report to ensure that the project is meeting deadlines and goals (43 CFR 7.9(g).)

Final Reports

Standard permit conditions require that within 6 months of completion of the field component of the research project, the permittee must submit a final report for review by the regional director. The applicant is advised to submit a draft report ahead of time, and allow time for revisions based on reviews by NPS personnel. If analysis is expected to take longer than six months, the regional director may authorize an extension for submission of the final report.

The final report must be consistent with information in field notes, photographs, and other materials (see the Secretary of the Interior's Standards for Archeological Documentation and 36 CFR 79 for additional guidance) and include:

- Description of the study area;
- Relevant historical documentation/background research;
- Research design;
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes;
- Field observations, including the number of new sites that are discovered and identified sites that are revisited;
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs;
- Evaluation of the investigation in terms of the goals and objectives of the investigation;
- Recommendations for updating interpretive and management materials;
- Recommendations for on-going or proposed treatment activities, such as structural documentation, stabilization, etc.;
- Name and location of facility curating material remains and associated records; and
- Accession numbers.

If the actual research methods differed from those proposed, the reasons for these differences should be included in the report.

The final report is a public document and cannot be copyrighted. Information compiled in the final report may be used by the NPS for cultural resource management purposes. Information collected during the research project, however, may be used by permittees in other publications that can be copyrighted. However, the permittee must not publish, without the prior permission of the regional director, any locational or other identifying archeological site information that could compromise the

government's protection and management of archeological sites (Permit, Standard Permit Conditions 15.x).

Artifact and Document Storage

Artifacts and records from the archeological investigations on federally owned parklands are the property of the United States (43 CFR 7.8). Material remains and associated records must be delivered to the appropriate official of the institution responsible for curation no later than 90 days after the final report is submitted to the regional director (43 CFR 7.8.7).

NPS Managers: Amendment and Extension of Permits

Any significant change in the project after the issuance of the Permit, such as a change in the scope of the investigation, replacement of the Principal Investigator, or change in the curatorial facility, requires an amendment to the Permit. The permittee is responsible for notifying the regional director in writing of changes and for requesting amendments to the Permit. The permittee risks suspension or revocation of the original Permit, as well as permission to carry out the research project, if the regional director is not notified of changes and a Permit amendment is not issued.

When the terms of the fieldwork component of the Permit have been met and the permittee requests an extension of time, the Permit may be extended for proper cause. The request for an extension must be submitted to the regional director in writing and must include a detailed explanation for the failure to complete the project in the time allotted by the Permit. The regional director reviews the request. If an extension is approved, the regional director will issue an amended Permit with revised dates for project completion.

NPS Managers: Enforcement, Suspension, Revocation of Permits

Regional directors are responsible for enforcing Permits and have the authority to suspend or terminate a Permit (for enforcement of Permits issued under ARPA, see 43 CFR 7.10, Suspension and Revocation of Permits). Regional directors rely on information provided to them by park managers, who have responsibility for monitoring cultural resource activities on parklands.

In the event of a suspension or revocation of a Permit, the regional director sends a notice to the permittee, stating the nature of and reason for suspension or revocation.

A Permit may be suspended by the regional director for the following reasons:

- The NPS finds that the permittee failed to meet any of the terms and conditions of the Permit or has violated any of its prohibitions (43 CFR 7.10 (a) 1).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued (43 CFR 7.10 (b)).

The project may continue when the terms of the Permit have been met or when the conflict has been resolved.

A Permit may be revoked by the regional director for the following reasons:

- The permittee is convicted of a civil or criminal infraction under Section 6 of ARPA or assessed a civil penalty under Section 7 of ARPA (16 U.S.C.470ee).
- The permittee fails to correct the situation for which a Permit was suspended (43 CFR 7.10 (a) 2).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued (43 CFR 7.10 (b)).

NPS Managers: Appeals, Reviews, and Disputes

Any affected person may request a review by the Department of the Interior Departmental Consulting Archeologist (DCA) of any professional issues involved in a bureau permitting decision, such as professional qualifications, research design, or other professional archeological matters. The DCA makes a final professional recommendation to the Director of the NPS to consider in making a final decision about the adjudication of the matter (43 CFR 7.36).

Any affected person, an applicant or permittee, may appeal a denial, modification, suspension, revocation, or the inclusion of specific terms and conditions of a Permit to the regional director. The disputant may appeal a regional director's appeal decision to the Director of the NPS. (Further guidance on appeals and disputes may be found at 43 CFR 7.11 & 7.36 (a)-(c).)

The regional director's decision shall stand during the appeals process. The NPS Director's decision is the final administrative decision on appeals.

NPS Managers: Enforcement of ARPA on Parklands

Civil Penalties Provisions of ARPA

The regional director may assess a civil penalty for violation of the terms of the Permit (16 U.S.C. 470ff). The maximum amount of the penalty is based on the commercial or archeological value of the archeological resources involved in the violation, plus the costs of restoration and repair of such resources. For a second, or subsequent violation, the maximum penalty is double the full costs (43 CFR 7.16 (a)(1)&(2)). Under ARPA, the regional director may assess a penalty amount that is less than the maximum amount of the penalty and to mitigate or remit the penalty (43 CFR 7.16(b)).

In addition to civil penalties for Permit violations, the regional director may assess civil penalties against persons who, regardless of whether the action was intentional or accidental, violate any prohibitions contained in ARPA and ARPA regulations (and see 43 CFR 7.15 & 7.4). In order to prevail in a civil penalty assessment, the NPS need only prove its case by a preponderance of the evidence, rather than the "beyond a reasonable doubt" standard required in a criminal prosecution. The regional director may use both civil penalty assessment and criminal prosecution to address the same prohibited conduct.

Criminal Penalties Provisions of ARPA

In the NPS, responsibility for the criminal enforcement of ARPA has been delegated to NPS law enforcement personnel ([DO#9 Law Enforcement Program](#)). Law enforcement personnel confer with park staff to determine whether circumstances of Permit violations warrant assessment of civil penalties or whether to refer cases to the U.S. Attorney's office for criminal prosecution.

A criminal violation is either a Class A misdemeanor or a felony. If either the commercial value or the archeological value of the archeological resource involved in the offense plus the cost of restoration and repair of the archeological resource exceeds \$500, the crime is a felony. If the total amount is \$500 or less, the crime is a misdemeanor. A second or subsequent ARPA offense is automatically a felony. The penalties section of ARPA is at [16 U.S.C. 470ee\(d\)](#). The maximum fines prescribed in ARPA for criminal offenses have been superceded by [18 U.S.C. 3571](#). Sentences of imprisonment for ARPA criminal violations are guided by [U.S. Sentencing Guidelines 2B1.5](#). Theft of, Damage to, or Destruction of, Cultural Heritage Resources; Unlawful Sale, Purchase, Exchange, Transportation, or Receipt of Cultural Heritage Resources, but may not exceed the statutory limits.

ARPA provides for the forfeiture of all archeological resources that were the object of an ARPA violation, as well as vehicles and equipment that were used in connection with the violation ([16 U.S.C. 470gg\(b\)](#)).

NPS Managers: Storing Permit Records

Archeological investigations on parklands are an important component of the history of a park, and the information gained from the investigations often contribute to fulfilling the park's management plans. Information about the number of applications received and number of Permits issued is included in the [Secretary's Report to Congress on the Federal Archeology Program](#).

Applications for Permits, copies of correspondence, Permit documents, and final reports document research on parklands. Regional director's offices and park managers maintain complete Permit files under filing code [A9015](#). Per the NPS records schedule, these records are to be maintained indefinitely at the park. The regional director assigns a unique identification number to each permit, and uses this number to organize associated correspondence. The identification number is based on the year of issuance, the park acronym, and the sequential number of permits issued (year/acronym/number).

Regional directors offices or the park managers should coordinate to ensure that the Archeology Program, Washington Office has information on the final report to enter into the National Archeological Database, Reports module (NADB-Reports). NADB-Reports is a national bibliographic database on archeological investigations across the United States, focusing primarily on the archeological gray literature. Further information about submitting the information, including the citation form, may be found on the Archeology Program's [NADB website](#).

NPS Managers: Treasure Trove

Treasure trove usually consists of gold or silver in the form of coin, plate, bullion, or negotiable currency that is hidden and whose origin is not known. Treasure trove is often buried in soil or submerged lands or concealed elsewhere. Park managers consult park archeologists and other cultural resource staff regarding the identity of treasure trove.

Assistance in responding to real or potential treasure trove issues is available from the Chief Archeologist.

Requests to search for treasure trove

Individuals, organizations, and businesses that make requests to parks to search for treasure trove should be advised that NPS policy does not normally allow searching for treasure trove on parklands. Treasure trove discovered on federally-owned parklands remains federal property. Individuals who wish to pursue the matter further should contact GSA for information on submitting an application for treasure trove investigations. The contact address is: **Director, Property Management Division, General Services Administration, 1901 South Bell Street, Arlington, VA 22202-4502** by mail.

The potential applicant should not proceed with any search activities on parklands without first obtaining the required permissions, authorizations, Permits, and contracts, otherwise they risk violating applicable Federal laws and regulations.

Upon receipt of a completed application, GSA forwards the application to the Associate Director, Cultural Resources, inquiring whether the location of the alleged treasure is on lands under NPS jurisdiction and, if so, whether the Associate Director grants the applicant permission to conduct the proposed activities. The Associate Director, in consultation with the NPS Chief Archeologist, will determine whether to grant permission for treasure trove activities, and will notify GSA accordingly.

Inadvertent discovery of treasure trove

When NPS staff learn that potential treasure trove objects have been discovered on parklands, the park manager and/or a law enforcement officer immediately takes custody of the objects and secures the area where the objects were found. The park manager and the law enforcement officer obtain as much information as possible about the circumstances of discovery. The information facilitates identification of the objects as authentic treasure trove, lost or abandoned property whose owner is known, other type of government property, or an archeological resource (and, therefore, possible cultural resources law violation). The park manager or law enforcement officer inventories the property taken into custody and gives the finder receipts for the property, as necessary.

All abandoned property brought to the attention of the park by the finder is recorded on a Lost and Found Report (NPS Form 10-166).

The regional director is notified of the discovery of treasure trove as soon as possible. The regional director notifies the Associate Director, Cultural Resources of the incident within 3 working days. The Associate Director subsequently notifies GSA, as necessary.